IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION.

CIVIL APPLICATION NO.271 OF 2006

IN

FAMILY COURT APPEAL NO.4 OF 2006

Smt.Sudha Kirit Shah : Applicant.

versus

Kirit Shivlal Shah : Respondent.

Mr.Pravin Patel for the applicant.

Mr.V.S.Kapse h/f A.S.Kapse for Respondent.

WITH

CIVIL APPLICATION NO.272 OF 2006

IN

FAMILY COURT APPEAL NO.4 OF 2006

Kirit Shivlal Shah : Applicant.

versus

Smt.Sudha Kirit Shah : Respondent.

Mr.V.S.Kapse h/f Mr.A.S.Kapse for applicant.

Mr.Pravin Patel for Respondent.

CORAM : J.N.PATEL &

A.A.SAYED, JJ.

DATED : JULY 24, 2007.

P.C.

1. Heard learned counsel for the wife and learned counsel for the husband. Grievance of the husband is that wife is not accepting the amount of maintenance granted in her favour though the husband offered to her. Last payment was required to be paid by cheque which was tendered to the learned counsel for the wife. The amount granted by the family court is Rs.750/- per month.

2. The learned counsel appearing for the wife submits that the sum of Rs.750/- is a very meagre amount considering the present day economic condition as even bare necessities of life cannot be met in the sum of Rs.750/- and, therefore, this Court may, by way of interim order, enhance the amount of maintenance to Rs.5,500/-.

3. The learned counsel for the husband submits that the husband does not have financial capacity to pay Rs.5,500/- as he is doing job work and preparing key chains on contract.

4. Prima facie We find that the sum of Rs.750/- per month is on lower side and, therefore, by way of interim order, We direct the husband to pay Rs.1,200/- per month to the wife commencing from July 2007 and he should clear off all the arrears of maintenance by depositing the same in the family court and would not commit any default in payment of maintenance as ordered by this Court and would deposit the amount of maintenance of July 2007 on or before 31st July 2007 and continue to pay the maintenance from August 2007 onwards on or before 10th of each month. He will clear off all the arrears within a period of three months by depositing the same in the family court. Both the civil applications stand disposed of accordingly.

[A.A.SAYED,J] **[J.N.PATEL,J]**